

# **TN COMMISSION OF INDIAN AFFAIRS**

## ***Quarterly meeting***

Saturday, 21 June 2008, 10am, Knoxville

Mountain View UMC Family Life Center, 3200 Maryville Pike

### **MINUTES**

present: Jeanie Walkingstick King, Bill Wells, James Meeks, Val Ohle, chair, tom kunesh, secretary (5/6)  
Jimmie Thigpen, West TN - absent (family emergency); Memphis - vacant; 5/7 quorum met  
Mark James, TDEC legal counsel; no parliamentarian

#### **I. CALL TO ORDER 10:41**

prayer - Bull Moose Speed

#### **II. INTRODUCTIONS & REPORTS**

- A. new Nashville commissioner Bill Wells - welcome  
resignation of Allen, Memphis; motion to accept - unanimous.  
Ohle - thanks to Shelley, appreciate her contribution
- B. note: no parliamentarian.

#### **C. Archaeology -**

- 1. Fewkes-site reburial, <Gerald Kline letter/report>  
Bill Wells would like the administrative forensics on the process of what happened.
- 2. new NAGPRA claims for "culturally unidentified", <Mike Moore report on Davis site>
- 3. Meeks - Reelfoot site -- no remains found
- 4. Ohle - TVA "Finding of No Significant impact" (FONSI) for the Power Supply Upgrade -  
Algood 161-kV Transmission Line, Putnam County TN. [www.tva.com/environment/reports/algood/](http://www.tva.com/environment/reports/algood/)
- 5. review of TDOT protocol for notification, repatriation & reburial  
kunesh - community should review cemetery laws, NAGPRA, repatriation  
invite Archaeological Advisory Council members  
Ohle- teleconference, "webinar" possibilities

kunesh - What is the state's agreements with federally-recognized tribes regarding oversight, return, repatriation of remains?

the problem is that there is no state \_NA\_ oversight of dig site, removal, inventory

Motion for Commission to review the texts of all correspondence, laws and concerns, then request a mtg with NA members of AAC to determine best course of action. propose mtg on sat, 26 july in Lebanon. Approved, unanimous.

#### **D. GIIIC conference in October in Rapid City**

Ohle- would like commissioners to attend, need to raise money to make trip (\$700/person expenses) - Ohlewill provide more info.

E. Longest Walk 2 - came & went - route: Chattanooga, Athens, Knoxville, Newport  
gratitude/special thanks to Tammy Boddy-Riley of KY for Tennessee & Athens coordination.

#### **F. Sunset Review**

no questions, no date, no communication. Mark James will check informally.

G. future meeting dates and places  
kunesch - responsible for setting it up.  
13 september - Chattanooga  
8 november - Memphis  
21 february - Nashville

H. Commissioners' Reports - James Meeks submitted written report,  
others to submit written reports to secretary.

I. Treasurer's report  
kunesch - no expenses, unchanged from last quarter.  
As reported by TDEC: Ending Balance @ 05/31/08: \$369.05  
Ledger kept in MS Excel spreadsheet by TDEC, sent to TCIA secretary at least quarterly.  
kunesch - Should Commission publish quarterly ledger to website? kunesch to ask  
TDEC webmaster & Division of Fiscal Services about their willingness to provide public  
response & access of master ledger.  
Billy Nuckles - concerns about money raised for a painting. Ohle will report at next meeting.

### III. OLD BUSINESS

agenda amendment: insertion (agreed, unanimous)

A. Marion 'Letha' Orrick - 1st portion of quantitative study of getting to know the  
state's NA population - statistical information

66,000 NA & Alaska Native, 2000 date, adjusted +5%, migration adjustments

2 groups - enrolled & unenrolled

enrolled - eligible for benefits through tribe

unenrolled - slightly less than half

concerns about economy, jobs,

majority lack any access to health care at all

minority have access through tribal agreements with local (in-state) providers

census policy - one-race rule for funding/benefit purposes

Census self-proclaimed error in count of NA 4-9%

recommends that Commission affirm its representation of enrolled and unenrolled equally,  
without regard to enrollment or blood quantum status.

66% of all enrolled indians live off-reservation.

reach out to tribal gov'ts, negotiate agreements on behalf of citizens, offer documentation

----

kunesch - need an ANA grant to provide funding for proposal

Ohle - overall, finding a way to carry out this project

all commissioners supportive

kunesch - motion to pursue an ANA grant to provide funding for this proposal. unanimous.

kunesch & Letha to work on this

Ohle- administratively, send a contact letter of TNCIA's existence to all tribes.

donations for materials. hardcopy if possible.

B. Resolution supporting the TNNAC democratic election process for nominees and  
repudiation of private lobbying efforts advocating specific nominee change. (kunesch)  
Motion that the Commission support the TNNAC caucus and convention election process for  
selecting nominees and repudiates private lobbying efforts advocating specific nominee change.  
Wells: If we have an electoral process, we should support the electoral process.

kunesh: process isn't broken, interpretations vary, underlying assumption may be mistaken - ie, that one convention, one party, is sufficient; it may be that two conventions are needed.  
Approved 4-1.

C. That all emails between 2 or more sitting Commissioners wherein there was review, deliberation of decisions or assessment of information in lieu of a called committee meeting or regular meeting of the Commission be placed into the Minutes/Records of the Tennessee Commission of Indian. With this inclusion all said emails should/ would be posted to the website of the Tennessee Commission of Indian Affairs for review by the public. (Meeks)(tabled from previous mtg)

kunesh - concern that it's not enforceable; requests James discuss issue with Mark James. Tabled.

D. 2007 Annual Report review (tabled from previous mtg) kunesh will provide this coming week.

E. Agenda Protocol (Ohle) - James & Ohle to compile their two proposals together.

F. Standing Committees vs. Regional Coalitions (Ohle): tabled til september.

G. Recognition for departing Commissioners (Allen, Ohle)

kunesh & Ohle: to draft a certificate for commissioners, past & future.

H. Citizens' Committee of Historic and Other Federally Recognized Nation (Ohle)

kunesh & Ohle to make proposal for State & Unrecognized indians (table til september)

13.39

I. Action Plan for TCIA (Ohle) 5-year strategic planning

motion: Commission to meet 8-10am before Chattanooga meeting,  
propose organizations meet and suggest ideas for Commission;  
chair will communicate idea to public.

J. Code of Ethics/Pledge (Ohle & Meeks): table til september.

13.50 - lunch

14.38 - back

#### **IV. NEW BUSINESS**

A. 2010 Census planning - request that the State of Tennessee designate the entire state as a "State Determined Tribal Statistical Area" and that the TN Commission of Indian Affairs take responsibility for collecting, analyzing and reporting quantitative and qualitative research data relevant to the TN SDTSA. (Ohle)

Federal Register notice: American Indian Areas (AIAs) for the 2010 Census - Proposed Criteria and Guidelines - Notice of proposed program revisions and request for comments.

need population count to qualify for Community Block Grants

change from "State-Determined American Indian Statistical Area"

Motion: Ohle & Mark James to draft a letter of concern about the 2010 proposed rule changes, to distribute by 26 june, and if approved, send to US Census. Approved, unanimous.

B. 1. TCIA Meeting-Notification email list (Meeks, Ohle)

2. Group email list of the Commissioners (Meeks)

concerns: ownership, control and practical application. Tabled.

C. Initiate public rulemaking hearings on Rule 0785-1: State Tribal Recognition Criteria proposal (kunesh)

[http://www.state.tn.us/environment/boards/tcia/pdf/0785\\_1.pdf](http://www.state.tn.us/environment/boards/tcia/pdf/0785_1.pdf)

[http://www.state.tn.us/environment/boards/tcia/pdf/0785\\_1\\_history.pdf](http://www.state.tn.us/environment/boards/tcia/pdf/0785_1_history.pdf)

kunesh moved to initiate rulemaking hearings ...

Rule is not a statute, ie, not state law. Concern that there is no review committee composed of professional evaluators, eg, historians, anthropologists, genealogists.

Mark James: Rule 0785-1 terminated 17 may 2008.

kunesh: motion that the chair contact members of the legislative Government Operations Committees by letter to solicit their response to and suggestions concerning the Commission's interest in initiating state rulemaking on tribal recognition criteria; and if a majority of responses are positive, to empower the chair to initiate rulemaking procedures. Approved, unanimous.

D. Commission recommendation on HB3299/SB3123 - AN ACT to amend Tennessee Code Annotated, Title 4, relative to recognition of Native American Indian Tribes, Bands, Groups and Associations. (kunesh) Tabled.

E. Commission recommendation on AMENDMENT to HB3299/SB32123 to create the Tennessee State Recognition Committee and Criteria for Recognition as Native American Indian Tribe, Band or Group. (kunesh)

Motion: that the Commission go on record opposing the proposed legislation due to lack of larger community and Commission input and involvement.  
Approved, 4-1.

F. Recognition of TN Historic Tribes - proposed 2009 legislation

1. review of past approved resolution ([www.actia.org/docs/ACTIArev-historicaltribes.htm](http://www.actia.org/docs/ACTIArev-historicaltribes.htm))

2. review of proposed amended resolution (Meeks)

Need to seek legislative sponsor and get passed into law.

Motion to accept proposed amendments submitted by James Meeks. Approved, unanimous.

Chair to solicit the review and input of the state Historical Commission, Archaeological Advisory Council, tribal historic preservation officers of referenced tribes, and other identified historical scholars on Tennessee Native American history. Approved, unanimous.

G. Organizational Accreditation (kunesh)

Change "Accreditation" to "Directory"

Motion to pass this proposal on to ACTIA with the request that they consider implementing/publishing a state directory of Native American-related organizations. Approved, unanimous.

H. Standing Rules proposed amendments:

1. add "Disclosure of lobbying and legislative activities" (Ohle)

2. add "Agenda Item Submission Protocol" (Meeks)

3. add "Duty of the Chair" (Meeks)

4. amend "Special Called Meetings" (Meeks)

Tabled til september.

I. TN NA Resources Clearing House (Meeks)

Tabled til september.

J. 1. Nomination of Pat Cummins for Reappointment to TN Archaeological Advisory Council (TAAC)

Approved, unanimous.

2. Recommendation to TNNAC regarding possible solutions for the between-election appointment process for other Boards and Commissions, including TAAC.

Approved, unanimous.

**V. A. ORGANIZATIONAL REPORTS**

B. Announcements

C. Public comments (3 mins. per person)

17.30 Ramona Reece - requests table space for microphones in the future.  
If not, would like written response.

Ohle - rise in gas prices makes cross-state visiting prohibitive.

Open to initiating conference calls to stay in touch with constituents.

**VI. CLOSE**

17.32

-----  
tom kunesh <tpkunesh@chattanooga.net>  
secretary, Tennessee Commission of Indian Affairs  
4 july 2008

other attendees: Ramona & Lee Reece, Billy Joe Nuckles & wife, Herstle & Marcia Cross,  
Bull Moose Speed & wife, Jack Brogdon,

---

*Minutes submitted by tom kunesh*